

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 2-15.1

**IMPLEMENTATION OF §903.03 AND §903.035, FLA. STAT.: ADVERSARY BAIL
MODIFICATION HEARINGS**

WHEREAS, for the purpose of this Order, the term “adversary bail modification hearing” shall mean a hearing conducted, after appropriate notice to both the State and the defendant, before a judge of competent jurisdiction, for the purpose of determining the appropriate conditions of pre-trial or post-trial bail; and

NOW, THEREFORE, it is ORDERED that

The following procedures apply to all adversary bail modification hearings in the Tenth Judicial Circuit.

1. Unless waived by opposing party, at least three hours notice of the hearing must be given.
2. The hearing must be conducted before a judge in person.
3. The defendant must be present at the hearing or have knowingly waived his presence. The State must be represented by counsel at the hearing or have knowingly waived its presence.
4. After an adversary bail modification hearing has been conducted, and a decision rendered or taken under advisement, no subsequent adversary bail modification hearing may be conducted unless:
 - (a) It is conducted before the same judge who conducted the prior hearing, or
 - (b) It is conducted before a judge of superior jurisdiction, or
 - (c) It is conducted before the elected chief judge of the circuit.
5. This Order shall not apply to:
 - (a) Setting of bail on an arrest warrant or *capias*.
 - (b) Setting of bail by the book-in officer in accordance with the approved bond schedule.
 - (c) The initial review of bail by the committing magistrate at first appearance hearing.
 - (d) The release of a defendant to the Polk County Pre-trial Services Program if the Order granting the release is entered prior to the first adversary bail modification hearing.

6. This Administrative Order cancels and supersedes Administrative Order 2-15.0, dated April 27, 1993.

DONE AND ORDERED on this 1st day of September, 2009.

J. DAVID LANGFORD, Chief Judge